

ORDINANCE NO. 6049

PROPOSED ORDINANCE NO. 24-033

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO ZONING; PROVIDING FOR TEXT AMENDMENT LDC24-001 TO ARTICLE 2 (USE STANDARDS), SECTION 2.3 (PERMITTED USES) AND SECTION 2.6 (MASTER USE LIST) OF THE LAND DEVELOPMENT CODE TO ALLOW GROUND FLOOR RESIDENTIAL USES WITHIN EXISTING NON-RESIDENTIAL BUILDINGS IN C-6 AND C-7 ZONING DISTRICTS, DEFINE RESTAURANT AND RETAIL USES SUCH AS "GHOST KITCHENS" AND "DARK STORES" AND ALLOW WITHIN CERTAIN ZONING DISTRICTS, REVISE DEFINITIONS PERTAINING TO THE OUTDOOR STORAGE OF BOATS, MOTOR HOMES, TRAILERS AND OTHER EQUIPMENT, ADD A NEW USE SPECIFIC TO THE OUTDOOR STORAGE OF MEDIUM-DUTY AND HEAVY DUTY TRUCKS, SEMI-TRAILERS, MULTI-TRAILERS, CONSTRUCTION EQUIPMENT, TOOLS AND VEHICLES, AND AMEND THE ZONING DISTRICTS IN WHICH SUCH USES ARE PERMITTED BY RIGHT AND THROUGH A CONDITIONAL USE; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Ordinance 5425, adopted on December 16, 2013, the City Commission of the City of Lakeland, Florida adopted the Land Development Code for the City of Lakeland; and

WHEREAS, the Planning and Zoning Board held a public hearing on July 16, 2024, to consider Text Amendment LDC24-001 to Article 2 (Use Standards), Section 2.3 (Permitted Uses) and Section 2.6 (Master Use List) of the Land Development Code to allow ground floor residential uses within existing non-residential buildings in C-6 and C-7 zoning districts, define restaurant and retail uses

such as “ghost kitchens” and “dark stores” and allow within certain zoning districts, revise definitions pertaining to the outdoor storage of boats, motor homes, trailers and other equipment, add a new use specific to the outdoor storage of medium-duty and heavy duty trucks, semi-trailers, multi-trailers, construction equipment, tools and vehicles, and amend the zoning districts in which such uses are permitted by right and through a conditional use ; and

WHEREAS, the Planning and Zoning Board, at the conclusion of its regular meeting on August 20, 2024, approved and recommended to the City Commission that Text Amendment LDC24-001 to the Land Development Code be adopted; and

WHEREAS, the City Commission, after conducting a duly-advertised public hearing at which all interested persons were afforded the opportunity to be heard, finds that it is in furtherance of the public health, safety and welfare of the citizens of the City of Lakeland to adopt Text Amendment LDC24-001 as described above;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

SECTION 1. The foregoing findings are true and correct and are incorporated herein by reference and made a part hereof.

SECTION 2. Text Amendment LDC24-001 to the Land Development Code, as set forth in Attachments "A" and "B," attached hereto and made a part hereof, is hereby adopted and made a part of the City's Land Development Code.

SECTION 3. The City Commission does hereby expressly find that the provisions of this Ordinance are in conformity with the Comprehensive Plan of the City of Lakeland adopted by Ordinance 5885, and that all procedures for the enactment of this Ordinance have been complied with.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. If any word, sentence, clause, phrase or provision of this Ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

SECTION 6. This Ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 16th day of September, A.D. 2024.



H. William Mutz

H. WILLIAM MUTZ, MAYOR

ATTEST: *Heather J. Bradman*
for KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: *Palmer C. Davis*
PALMER C. DAVIS
CITY ATTORNEY

ATTACHMENT "A"

Table 2.3-1: Permitted Principal Uses

USES	RESIDENTIAL DISTRICTS										OFFICE DISTRICTS			COMMERCIAL DISTRICTS							INDUSTRIAL DISTRICTS			
	RA -1	RA -2	RA -3	RA -4	RB	MF-12	MF-16	MF-22	M	H	O-1	O-2	O-3	C-1	C-2	C-3	C-4	C-5	C-6	C-7 ⁴	I-1	I-2	I-3	
Residential																								
Convents & Monasteries					P	P	P																	
Dormitories					C	C	C					P												
Fraternities & Sororities					C	C	C					P												
Ground Floor Residential Uses within an Existing Non-Residential Building									P												P ¹⁵	P ¹⁵		
Mobile Home									P															
Multi-Family					P	P	P			P ³									P	P				
Multi-Family Affordable Housing Projects in Non-Residential Zoning Districts													P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴					P ¹⁴	
Multi-Family for the Elderly					P	P	P			P ³									P	P				
Residential Above 1 st Floor										P	P								P	P				

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Retail Sales Uses																									
Accessory Retail to a Permitted Principal Use within I-2 Zoning Districts																									P ¹⁰
Antique Shops & Consignment Boutiques														P	P	P	P	P	P	P	P	P			
Artisan-Oriented Retail														P	P							P	P		
Big Box Retail														C		P	P								
Building Materials Sales, Retail, Level I																P	P	P	C						
Building Materials Sales, Retail, Level III																							P	P	P
Convenience Stores															P	P	P	P					C		
Dark Stores																							P	P	
Department Stores																	P	P	P	P		P ⁵			

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Restaurant Uses																								
Carry Out/Delivery										P	P	P	P	P	P	P	P	P	P ⁵	P				
Food Trucks													P			P		C		P		P		
Food Truck Courts													C									C		
Ghost Kitchens																						E	E	
Restaurants, Low Turn-Over																								
Restaurants, High Turn-Over												P	C	P	P	P	P	P	P ⁵	P				
Restaurants, Very High Turn-Over														P	P	P	P	C				P		

ATTACHMENT "B"

2.6 – MASTER USE LIST

2.6.3 PRINCIPAL USES LISTED AND DEFINED

2.6.3.1 Principal Residential Uses

Convents and Monasteries

Dormitories: Including buildings used as group living quarters as an accessory use for a college, university, boarding school, orphanage, or other similar institutional use.

Farm Employee Housing: Single- or multiple family dwellings or dormitories provided for the exclusive use of farm employees and their families.

Fraternities and Sororities**Ground Floor Residential Uses within an Existing Non-Residential Building in C-6/C-7**

Residential, Single-Family Attached: Single-family attached residential uses consist of single-family attached dwellings as defined in Article 2.

Residential, Single-Family Detached: Single-family detached residential uses consist of single-family detached dwellings as defined in Article 2.

Residential, Two-Family: Two-family residential uses consist of two-family dwellings as defined in Article 2.

Residential, Multi-Family: Multi-family residential uses consist of multi-family dwellings as defined in Article 2.

Residential, Multi-Family for the Elderly: Multi-family residential uses which are restricted to occupancy by the elderly. For the purposes of this section, the elderly shall be all persons who are 62 years of age or older plus all persons in a household the head of which is 62 years of age or older plus persons in a household at least half of whose members are 62 years of age or older. Units are considered to be restricted to occupancy by the elderly if they are restricted by any long-term, binding public or private covenant. Covenants shall be considered to be long-term if they will be in effect for a period of at least 15 years from the date of initial building occupancy. Covenants shall be considered to be binding if they are judged by the City Attorney to incorporate all reasonable and feasible language to render them binding.

Residential, Mobile Home

Residential, One or More Dwelling Units Located Above the First Floor of a Building Which Contains Another Permitted Principal Use on the First Floor

Residential, One or More Dwelling Units Located Above the First Floor of a Building Fronting on a Transit Oriented Corridor and Which Contains Another Permitted Principal Use on the First Floor

Rooming Houses, Hostels and Similar Uses, Level I: Level I rooming houses and similar uses are uses which are: 1) owner-occupied, and 2) occupied by not more than eight guests at any one time, and 3) occupied only by guests whose visits are pre-arranged, and 4) occupied only by guests whose visits are for a period of not less than seven days, and 5) contain kitchen facilities. Rooming houses, hostels and similar uses by definition shall not include rescue missions or any similar use in which meals and/or lodgings are provided to the indigent at no cost or at a subsidized cost.

Rooming Houses, Hostels and Similar Uses, Level II: Level II rooming houses and similar uses are rooming houses and similar uses which are not Level I rooming houses and similar uses.

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2.6.3.3 Principal Commercial Uses

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f. Retail Sales Uses: Retail sales primarily oriented towards the general public

Accessory Retail to a Permitted Principal Use in I-2 Zoning Districts: Up to 10% of the floor area may be used for retail sales accessory to a permitted principal use within I-2 zoning district. Such sales must be directly related to a manufacturing activity or service which is the principal use on the premises. Examples include, but are not limited to, a tasting room for a brewery, a showroom, or a clearance center to allow for sales of surplus or returned goods from a warehouse.

Antique Shops & Consignment Boutiques: Retail establishments specializing in the sale of furniture, artwork and decorative objects, generally produced at least 30 years ago or older, and those which sell used items of moderate to high value (typically clothing, accessories or furniture) on behalf of the original owner who receives a percentage of the sales price. This category does not include thrift or secondhand stores.

Artisan-Oriented Retail: Small-scale manufacturing establishments, less than 10,000 sq. ft. in floor area, which primarily produce and offer for retail sale items such as jewelry, furniture, pottery, leathercraft, textiles, painting and sculpture and in which all activities occur indoors within an enclosed building.

Big Box Retail: Retail establishments containing 40,000 square feet of gross floor area or greater which offer a broad range of convenience and consumer goods, and fresh, processed or prepared foods, or specialize in a single consumer product category such as office supplies, home furnishings, electronics, appliances, or sporting goods.

Building Materials Sales, Retail, Level I

Awnings

Cabinets

Doors

Electrical supply

Fencing dealers

Flooring

Hot tubs and whirl pools

Insulation material

Lumber

Plumbing supply

Prefabricated buildings

Roofing materials, but not hot tar or aggregate

Swimming pools

Tile dealers

Wallboard

Window and screen

Building Materials Sales, Retail, Level II:

Building material dealers, including the following uses listed in SIC group 5211:

Brick dealers, retail

Cement dealers, retail

Concrete and cinder block dealers, retail

Lime and plaster dealers, retail

Roofing material dealers including hot tar and aggregate dealers

Sand and gravel dealers, retail

Structural clay products, retail

Convenience Store: A retail store typically 4,000 square feet or less, generally open 24 hours a day or into the late evening, which primarily sells convenience foods and goods such as candy, snacks, drinks, processed and prepared foods, tobacco products and package sales of alcoholic beverages for off-site consumption. The sale of motor vehicle fuel shall be permitted accessory to a convenience store only where motor vehicle fuel sales uses are permitted by right or as a conditional use.

Dark Stores: An establishment which functions as a distribution or fulfillment center for online retail sales of consumer goods, that provides for the delivery of such goods either directly or indirectly through a third-party delivery service, and does not operate as an accessory use to a principal retail use in which consumer goods are displayed and marketed for sale to the general public. For the purposes of the definition, consumer goods shall include any durable and non-durable goods, including convenience foods, alcoholic and non-alcoholic beverages, and groceries.

Department Stores: Retail establishments containing 80,000 square feet of gross floor area or greater which carry several lines of merchandise, such as women's ready-to-wear and accessories, men's and boys' clothing, piece goods, small wares, and home furnishings, all of which are organized into separate departments.

Dollar Stores & Variety Stores: Retail establishments, usually 12,000 square feet in floor area or less, which maintain regular daytime and early evening store hours and offer for sale a combination of convenience foods and consumer goods for off-site consumption with a majority of items available for sale for ten (10) dollars or less.

Drug Stores & Pharmacies: Retail establishments which primarily sell prescription drugs, over the counter medicines and other items intended for health and wellness, but which may also sell small quantities of consumer goods such as convenience foods, personal care products, toys, gifts and sundries.

Firearms Sales and Indoor Gun Ranges: Retail stores which primarily sell firearms and accessories and/or offer indoor facilities which involve the use of firearms such as private gun clubs and shooting ranges. This category does not include general retail sales uses such as stores which specialize in sales of sporting goods or outdoor recreation merchandise and in which any sales of firearms are incidental.

Grocery Stores: Retail establishments generally containing 20,000 square feet of gross floor area or greater which primarily sell a wide variety of foods such as fresh meats, fish and poultry, fresh fruits and vegetables, dairy products, canned, packaged, frozen and prepared foods, that are intended for preparation or consumption at home or off-site.

Liquor Stores: A retail store selling beverages containing more than 14 percent of alcohol by weight for off-premises consumption.

Medical Marijuana Dispensing Facility: As defined in Section [1.6](#), establishments authorized to sell and dispense medical marijuana and related supplies.

Micro-Breweries, Micro-Wineries & Micro-Distilleries: Establishments which produce beer, wine or distilled spirits in relatively small quantities in conjunction with a restaurant,

tasting room or retail sales operation. A micro-brewery is defined as an establishment which is duly-licensed to produce beer and/or cider in quantities not to exceed 15,000 barrels per year (465,000 U.S. gallons). A micro-winery is defined as an establishment which is duly-licensed to produce wine and/or mead in quantities not to exceed 100,000 U.S. gallons per year. A micro-distillery is defined as an establishment which is duly-licensed to produce distilled spirits in quantities not to exceed 15,000 U.S. gallons per year. Where permitted only through a conditional use, the maximum production capacity may be further limited to minimize impacts on adjacent uses.

Neighborhood Convenience Centers: Small scale, neighborhood oriented commercial uses which may be allowed in certain residential and office zoning districts as a conditional use, as specified by Section [5.13](#).

Office Support Retail & Service Uses:

Barber shops, hair salons and day spas

Business equipment and computer stores

Business service centers, including pack and ship stores

Delivery Services

Exercise & martial arts studios

Laundry, cleaning and related garment service pick-up stations primarily serving the public

Office furniture and supply stores

Photocopying, offset printing and similar reproduction services

Sandwich shops and snack bars

Sundry shops

Outdoor Sales, New and Used, as a Principal Use: Establishments in which products and merchandise for sale are displayed outdoors and primarily intended for outdoor use. Examples include retail establishments which specialize in the sale of outdoor goods such as outdoor furnishings, monuments and landscaping materials such as mulch or sod. This use does not include equipment rental and leasing services, which are classified as a Level II Industrial-type Service Use, or establishments which primarily sell building materials such as crushed stone, gravel, or sand and are classified as Building Materials Sales, Retail, Level II.

Pawn Shops: Establishments which provide short-term loans in exchange for personal goods or other items as collateral and resell those same items as a secondary retail service. Where permitted, such uses are subject to special deglomeration measures and may not be located within a quarter mile (1,320 ft.) of another pawn shop.

Plant Nurseries & Greenhouses: Retail establishments specializing in the sale of plants, trees and shrubs in which the majority of inventory sold is grown and cultivated off the premises.

Rent-To-Own Stores: Retail establishments which primarily lease consumer goods such as furniture, electronics and appliances where the customer may take ownership after making a specified number of payments. Where permitted, such uses are subject to special deglomeration measures and may not be located within a quarter mile (1,320 ft.) of another rent-to-own store.

Shopping Centers, Neighborhood: A shopping center usually selling goods necessary to meet daily needs, occupying up to 10 acres and having up to 100,000 square feet of gross leasable area. It generally draws its clientele from a radius of approximately a five-minute drive from the center.

Shopping Centers, Community: A shopping center usually featuring a junior department store, having approximately 150,000 square feet of gross leasable area, and a site area of 10 to 25 acres. It generally draws its clientele from a radius of approximately a 10-minute drive from the center.

Shopping Centers, Regional: A shopping center usually containing a wide range of retail and service establishments, occupying 50 to 100 acres of land, having at least one or more anchor stores, and containing over 400,000 square feet of gross leasable space. It draws its clientele from as much as a 45-minute drive away.

Thrift & Secondhand Stores: Retail stores specializing in the sale of secondhand clothes and other household goods that are heavily discounted or donated for resale, typically for the benefit a charitable organization.

Tobacco & Vape Shops: Retail establishments specializing in the sale of tobacco, cigars, cigarettes and other derivative tobacco products, smoking and vaping accessories.

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e. Restaurant Uses

Carry Out/Delivery: Restaurants, which through the design of physical facilities, service or packaging procedures, specialize in the sales of ready-to-eat, prepared foods primarily intended for off-site consumption. This category includes restaurants with limited traffic such as snack bars and sandwich shops.

Food Trucks: A mobile food unit, mobile food vendor or any other food service/vending vehicle or cart that has been inspected and licensed as such by the appropriate state agency.

Food Truck Courts: A commercial site intended to host two or more food trucks on a semi-permanent basis as either a principal or accessory use.

Ghost Kitchens: A commercial kitchen which cooks and prepares ready-to-eat food for off-premises consumption using a third-party food delivery service and does not operate as part of a restaurant which provides dine-in, drive through, or carry out service.

Restaurants, Low Turn-Over: Eating establishments with low turnover rates usually of at least one hour or longer. Generally high quality, destination restaurants which do not rely on drive-by traffic with the majority of sales occurring during evening dinner hours.

Restaurants, High Turn-Over: Eating establishments with high turnover rates generally of less than one hour. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. Generally, these restaurants serve breakfast, lunch and dinner, and are sometimes open 24 hours per day, with the majority of sales coming from eat-in customers. This category includes "fast casual" type restaurants with or without drive-through facilities.

Restaurants, Very High Turn-Over: Fast-food "quick service" type eating establishments with or without drive-through facilities. This type of restaurant is characterized by a high volume of drive-through or carry out sales; long hours of service, often 24 hours per day, and very high turnover rates for eat-in customers, generally less than 30 minutes.

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2.6.3.4 Principal Industrial and Industrial-Service Uses

Industrial-type Service Establishments, Level I: Level I industrial-type service establishments are those which generally have a moderate impact on their neighbors. They include the following:

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Miscellaneous industrial-type business services for the trade, including the following uses listed in SIC group 7389:

Apparel pressing services

Batik work and other hand painting on textiles

Cloth cutting, bolting, or winding

Exhibit construction services

Float construction and decoration

Fire extinguishers, service of

Inspection of commodities

Laminating photographs

Liquidators of merchandise, contract

Outdoor storage facilities for families and small businesses

Packaging and labeling services

Parcel packing services, contract

Produce weighing services

Rug binding

Sampling of commodities

Textile folding and packing services

Weighing foods and other commodities

Welcome wagon services

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Outdoor Storage of Boats, ~~Motors~~ Motor Homes & Trailers, Retail Service: Accessory storage use for a business in which the principal use is retail sales and/or service of boats, motor homes, or trailers. For the purposes of this definition, the term trailers shall mean any trailers designed for towing by light-duty trucks and passenger vehicles including, but not limited to, travel trailers, utility trailers, enclosed (cargo) trailers, livestock trailers, dump trailers and boat/car haul trailers with a maximum length not to exceed 48 feet.

Outdoor Storage of Boats, Motor Homes & Trailers as a Principal Use: Outdoor storage of boats, motor homes, and trailers as a principal use. For the purposes of this definition, the term trailers shall mean any trailers designed for towing by light-duty trucks and passenger vehicles including, but not limited to, travel trailers, utility trailers, enclosed (cargo) trailers, livestock trailers, dump trailers and boat/car haul trailers with a maximum length not to exceed 48 feet.

Outdoor Storage of Medium-Duty and Heavy-Duty Trucks, Semi-Trailers, Multi-Trailers, and Construction Equipment, Tools and Vehicles as a Principal Use: For the purposes of this definition, the terms medium-duty and heavy-duty trucks, semi-trailers and multi-trailers shall mean any Federal Highway Administration (FHWA) Class 4-13 vehicles.

2.6.3.5 Principal Warehousing and Wholesale Trade Uses

Warehousing and Motor Freight Transportation Uses, Level I: Level I warehouse and motor freight transportation uses are those which generally have a moderate impact on their neighbors. They include the following:

General warehousing and storage as listed in SIC group 4225.

Mini warehousing and storage as listed in SIC group 4225.

~~Outdoor storage of boats, motor homes, trailers and other equipment as a principal use~~

Self-storage warehousing as listed in SIC group 4225.